

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)Nos.4626 & 4627 of 2011

Sukumar James

.. Petitioner in
both the C.R.Ps'

Vs.

1. Minor Hakeem Sherif
Rep.by guardian D.K.Fathima

2. The Oriental Insurance Company Ltd.,
Krishnagiri Trunk Road, Ranipet,
Vellore District.

3. Tamil Nadu State Transport Corporation Ltd.,
Villupuram Division – II,
Vellore.

.. Respondents in
both the C.R.Ps'

PRAYER in both the C.R.Ps': Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and decretal order of returns dated 03.01.2011, made in E.P.SR.Nos.3194 & 3197 of 2010 in M.C.O.P.No.296 of 1992 on the file of the Motor Accident Claims Tribunal, Sub Court, Ranipet.

For Petitioner	: Mr.C.Prabhakar and Mr.M.Sivakumar
For R1	: Given up
For R2 & R3	: No appearance

COMMON ORDER

Both the Civil Revision Petitions are filed against the fair and decretal order of returns dated 03.01.2011, made in E.P.SR.Nos.3194 & 3197 of 2010 in M.C.O.P.No.296 of 1992 on the file of the Motor Accident Claims Tribunal, Sub Court, Ranipet.

2. The issue involved in both the civil revision petitions are one and the same, therefore, disposed of by this common order.

3. The petitioner is the claimant and respondents are the respondents in M.C.O.P.No.296 of 1992. The petitioner filed the said M.C.O.P, claiming a sum of Rs.6,00,000/- as compensation for the injuries sustained by him in the accident that occurred on 05.05.1989, at about 9.50 a.m. The Tribunal awarded a sum of Rs.1,60,000/- as compensation, directing the second respondent and third respondent, each to pay the equal shares of compensation amount. The petitioner filed C.M.A.No.834 of 2001 for enhancement of compensation. The third respondent filed C.M.A.No.1031 of 2001 against the award dated 10.08.2000. This Court by the order dated

07.11.2008, dismissed the C.M.A.No.1031 of 2001, filed by the third respondent and partly allowed the C.M.A.No.834 of 2001 filed by the petitioner, enhancing the compensation from Rs.1,60,000/- to Rs.4,54,000/-. This Court awarded interest at the rate of 7.5% for enhanced amount. The petitioner filed E.P.SR.Nos.3194 and 3197 of 2010, claiming interest at the rate of 7.5% for the enhanced amount from the date of filing of the M.C.O.P, on 03.07.1989 to 23.03.2010. The learned Judge, returned both the E.P.SR.Nos.3194 and 3197 of 2010, raising queries as to how E.P is maintainable by claiming interest on enhanced amount from the date of filing of the M.C.O.P in the lower Court, without specific order regarding future interest in this Court.

4. Against the said order of returns dated 03.01.2011, made in E.P.SR.Nos.3194 & 3197 of 2010 in M.C.O.P.No.296 of 1992, the present two civil revision petitions are filed by the petitioner.

5. Heard the learned counsel appearing for the petitioner and perused the materials available on record. Though the name of the respondents 2 and 3 are printed in the cause list, there is no representation either in person or through counsel.

6. From the order of this Court dated 07.11.2008, made in C.M.A, it is seen that this Court awarded interest at the rate of 7.5% on the enhanced amount. This Court has not specified the date from which the petitioner is entitled to the interest on the enhanced amount. The Tribunal awarded 12% interest on the amount of compensation awarded. This Court confirmed the said rate of interest on the ground that it was the rate of interest prevailing at that time. This Court awarded interest at 7.5% on the enhanced amount which was the return interest prevailing at that time. This means, the Court has awarded interest on the enhanced amount only from the date of order in C.M.A, i.e., on 07.11.2008. Therefore, the petitioner is not entitled to interest on the enhanced amount from the date of filing of the M.C.O.P till the date of deposit of the amount. The petitioner is entitled to claim interest only from the date of order of this Court, 07.11.2008 made in C.M.A.Nos.834 & 1031 of 2011.

7. With the above clarification, both the civil revision petitions are disposed of. No costs. The Registry is directed to return the original E.P filed along with the civil revision petition. It is open to

the petitioner to re-present the E.P, claiming interest at 7.5% enhanced amount from the date of order of this Court made in C.M.A.

17.08.2017

Index: Yes/No
gsa

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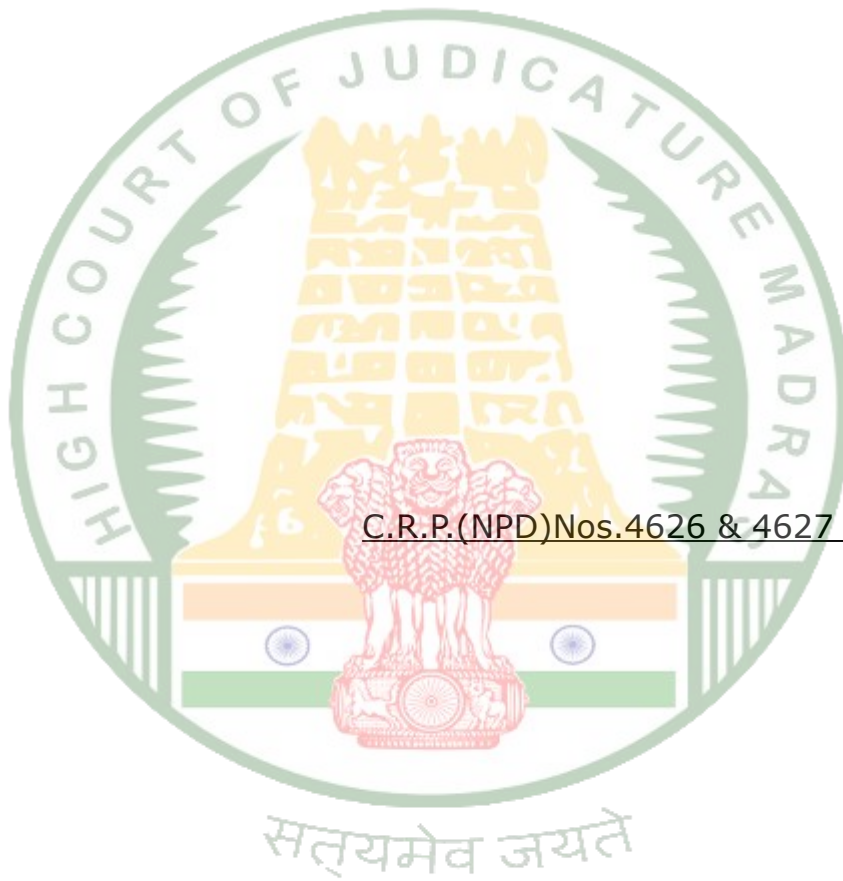
1. The Oriental Insurance Company Ltd.,
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Subordinate Judge,
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V.M.VELUMANI, J.

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